

311.784 Authorized civil action for violation of KRS 311.782.

- (1) As used in this section:
- (a) "Conduct" means the:
 - 1. Filing of a civil action;
 - 2. Assertion of a claim, defense, or other position in connection with a civil action;
 - 3. Filing of a pleading, motion, or other document in a civil action, including but not limited to a motion filed for discovery purposes; or
 - 4. Taking of any other action in connection with a civil action; and
 - (b) "Frivolous conduct" means the conduct of a party to a civil action or a party's counsel of record in a civil action that:
 - 1. Obviously serves merely to harass or maliciously injure another party to the civil action or is for another improper purpose, including but not limited to causing unnecessary delay or a needless increase in the cost of litigation;
 - 2. Is not warranted under existing law, cannot be supported by a good-faith argument for an extension, modification, or reversal of existing law, or cannot be supported by a good-faith argument for the establishment of new law;
 - 3. Consists of allegations or other factual contentions that have no evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
 - 4. Consists of denials or other factual contentions that are not warranted by the evidence or, if specifically so identified, are not reasonably based on a lack of information or belief.
- (2) Any woman upon whom an abortion has been performed in violation of KRS 311.782, or the father of the unborn child who was the subject of such an abortion, may commence a civil action against the person who intentionally violated KRS 311.782 for actual and punitive damages, court costs, and reasonable attorney's fees.
- (3) If a judgment is rendered in favor of the defendant in a civil action commenced pursuant to subsection (2) of this section and the court finds that the civil action constitutes frivolous conduct and that the defendant was adversely affected by the frivolous conduct, the court shall award reasonable attorney's fees to the defendant.

Effective: January 9, 2017

History: Created 2017 Ky. Acts ch. 5, sec. 4, effective January 9, 2017.